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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,347	07/02/2004	Cheng-Yu Huang	13329-US-PA	4346
31561 7590 08/23/2005 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			EXAMINER THOMPSON, TIMOTHY J	
			ART UNIT 2873	PAPER NUMBER

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

## Office Action Summary

Application No.

10/710,347

Applicant(s)

HUANG ET AL.

Examiner

Timothy J. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1, 5, 8-12 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al.(U.S. Pat. Pub. No. 2004/0105173).

Regarding claim 1, 10, Yamaguchi et al. discloses; a barrel, having a light incident opening and a receiving space, wherein the light incident opening is successive to the receiving space(fig 2, 53), a first lens, arranged in the receiving space and having a first annular conical surface that is located at an outer rim of the first lens(fig 2, L1), wherein the light incident opening exposes a portion of the first lens(fig 2); and a second lens(fig 2, L2), arranged in the receiving space and having a second annular conical surface that is located at an outer rim of the second lens, wherein the second lens is embedded with the first lens in a manner that the first annular conical surface is embedded with the second annular conical surface(fig 2).

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Regarding claim 5, Yamaguchi et al. an image capturing device arranged on a light path behind the fixed plate(fig 2, 23).

Regarding claim 8, 9, 11, 12, Yamaguchi et al. discloses does not disclose either glass or plastic is used for the first and second lens. It would have been obvious to one skilled in the art at the time the invention was made to use either glass or plastic for the first and second lenses, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*In re Leshin*, 125 USPQ 416.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al.(U.S. Pat. Pub. No. 2004/0105173). as applied to claim 5 above, and further in view of Hirakawa(U.S. Pat. No. 5,724,193).

Regarding claim 6, Yamaguchi et al. does not disclose a sensor covering plate for covering onto the image capturing device arranged on a light path behind the fixed plate, wherein the sensor covering plate is arranged on a light path between the fixed plate and the image capturing device. However, Hirakawa

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discloses a sensor covering plate for covering onto the image capturing device arranged on a light path behind the fixed plate, wherein the sensor covering plate is arranged on a light path between the fixed plate and the image capturing device(fig 21, glass covering and column 9, lines 38-65). It would have been obvious to one skilled in the art at the time of the invention to place a sensor covering plate for covering onto the image capturing device arranged on a light path behind the fixed plate, wherein the sensor covering plate is arranged on a light path between the fixed plate and the image capturing device as shown by Hirakawa, in the optical device of Yamaguchi et al., since as shown by Hirakawa sensor covering plates for covering onto the image capturing device arranged on a light path behind the fixed plate, wherein the sensor covering plate is arranged on a light path between the fixed plate and the image capturing device are commonly used for protecting the sensor from impurities.

***Allowable Subject Matter***

Claims 2-4, 7, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-16 are allowed.

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The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 13, with the allowable feature being the specific steps in designing the optical lens. Therefore claims 13-16 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (571) 272-2328.

T.J.T.

8/18/05



**TIMOTHY THOMPSON**  
**PRIMARY EXAMINER**